

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	CHARLES P. KOCORAS	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3862	DATE	July 29, 2008
CASE TITLE	William S. Fillyaw (#73998) v. Lake County Major Crime Task Force, et al.		

## DOCKET ENTRY TEXT:

Plaintiff's motion for leave to file *in forma pauperis* [4] is granted. The Court orders the trust fund officer at Plaintiff's current place of incarceration to deduct \$14.00 from Plaintiff's account for payment to the Clerk of Court as an initial partial filing fee. The Clerk shall send a copy of this order to the trust fund officer at Lake County Jail. The Court grants Plaintiff's motion for appointment of counsel [5] and appoints Joseph Vito, Segal, McCambridge, Singer & Mahoney, 233 South Wacker Drive, Suite 5500, Chicago, IL 60606 (312-329-6554), to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rules 83.11(g) and 83.37. Plaintiff's complaint is dismissed without prejudice to appointed counsel filing an amended complaint within 60 days if the amended complaint comports with appointed counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff William S. Fillyaw is granted leave to file *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$14.00. The trust fund officer at Plaintiff's current place of incarceration is ordered to collect, when funds exist, the partial filing fee from Plaintiff's trust fund account and pay it directly to the Clerk of Court. After payment of the initial partial filing fee, the trust fund officer at the correctional facility where Plaintiff is confined is authorized to collect monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from Plaintiff's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, IL 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action.

Plaintiff alleges that on July 3, 2007, an officer on the Lake County Major Crime Task Force, rammed the car in which Plaintiff was sitting and then shot at him four times. Plaintiff was hit in the hip. He claims the officer did not identify himself as a law officer, was in an unmarked S.U.V., and did not give Plaintiff an opportunity to surrender. Plaintiff has named as Defendants the Lake County Major Crime Task Force, Unknown Defendant, the North Chicago Police Department, and the Waukegan Police Department. Plaintiff claims that no charges have been filed against him in regard to this incident, which is why he does not know the name of the officer who shot him. As it now stands, Plaintiff's complaint is not sufficient because his named defendants are not suable entities. *See Chan v. Wodnicki*, 123 F.3d 1005, 1007 (7th Cir. 1997); *Gray v. City of Chicago*, 159 F. Supp.2d 1086, 1089 (N.D. Ill. 2001) (a police department is not a suable entity).

Because of the serious nature of these allegations, the Court appoints Joseph Vito, Segal, McCambridge, Singer & Mahoney, 233 South Wacker Drive, Suite 5500, Chicago, IL 60606 (312-329-6554), to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rules 83.11(g) and 83.37. After investigation, appointed counsel should file an amended complaint within 60 days if such amendment comports with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure. If counsel is unable to file an amended complaint, he should so inform the Court.

Dated: July 29, 2008



CHARLES P. KOCORAS  
U.S. District Court Judge

Courtroom Deputy  
Initials:

CLH